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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. **2010-369**

**DEBORAH JO GALLIEN
4958 West Herndon, #101
Fresno, CA 93722**

ACCUSATION

Registered Nurse License No. 634540

Respondent.

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

License History

2. On or about March 16, 2004, the Board of Registered Nursing issued Registered Nurse License Number 634540 to Deborah Jo Gallien ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2011, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Code section 118, subdivision (b), provides that the suspension, expiration, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct,

8. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

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9. Code section 4022 states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use, except veterinary drugs that are labeled as such, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4066.

COST RECOVERY

10. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

11. DRUGS

"Docusate" is a dangerous drug within the meaning of Code section 4022, in that it requires a prescription under federal law.

"Gemfibrozil" is a dangerous drug within the meaning of Code section 4022, in that it requires a prescription under federal law.

"Protonix" is a dangerous drug within the meaning of Code section 4022, in that it requires a prescription under federal law.

FIRST CAUSE FOR DISCIPLINE

(Obtained Drugs In Violation of Law)

12. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (a), in that on April 19, 2009, while employed as a registered nurse at the California Department of Mental Health, Coalinga State Hospital in Coalinga, California, Respondent wrote

1 a physician's order for drugs and administered drugs to Patient 138-8, without lawful authority
2 therefor.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Prescribed Drugs)**

5 13. Respondent is subject to disciplinary action pursuant to Code section 2761,
6 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
7 subdivision (a), in that on April 19, 2009, while employed as a registered nurse at the California
8 Department of Mental Health, Coalinga State Hospital in Coalinga, California, Respondent
9 prescribed Docusate, Gemfibrozil, and Protonix, prescription drugs, to Patient 138-8 without
10 lawful authority therefor.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Falsified Hospital Records)**

13 14. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
14 on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (e), in
15 that while on duty as a registered nurse at the California Department of Mental Health, Coalinga
16 State Hospital, in Coalinga, California, Respondent falsified hospital records when she wrote a
17 physician's order for Docusate, Gemfibrozil, and Protonix, indicating that a physician had phoned
18 in the orders when, in fact, he had not.

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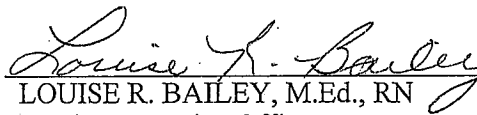
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 634540 issued to Deborah Jo Gallien;
2. Ordering Deborah Jo Gallien to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

2/3/10


LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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